IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8066 OF 2005

Sanju @ Sanjay Bhagwan Sarode .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.S.A.Rajeshirke for applicant

Mr.K.V.Saste, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 21st December 2005.

P.C.

. Applicant is apprehending arrest in connection with C.R.No.I-158 of 2005 registered with Taluka Police Station, Malegaon for offences

punishable under sections 363, 366, 376 read with 34 I.P.C. It is not disputed before me that Criminal Misc.Application No.314 of 2005 was filed by the brother of present applicant Raju Sarode and the Additional Sessions Judge at Malegaon has been pleased to enlarge him on regular bail. Applicant is apprehending arrest in connection with the same offence which, according to prosecution, is kidnapping of minor girl Anita Pawar. The only role attributed to the present applicant - brother of main accused is that he helped his brother in kidnapping the said minor girl. Said minor girl resided with brother of applicant at several places for about 4 - 5 months and during such stay, under false pretext and assurances of marriage, she was raped by the brother of applicant. Applicant has helped his brother and minor girl in running away and that is how applicant is apprehending his arrest in connection with the same offence. Application for anticipatory bail has been

rejected by the sessions court on 12th September 2005. Thereafter, applicant's brother, main accused, has been enlarged on regular bail by sessions court vide order dated 21st October 2005. Applicant has no antecedenets and he is willing to cooperate in the investigation. He is willing also to abide by such conditions as are imposed upon him. He is permanently residing at village Chondi Taluka Malegaon Dist.Nashik. Hence, following order:-

i) In the event of the arrest of the applicant in connection with C.R.No.158 of 2005 registered with Malegaon Police Station, the applicant shall be enlarged on bail in the sum of Rs.25,000/- with one/two sureties in the like amont.

ii) Applicant shall attend Malegaon Taluka Police station twice a week on every Thursday and Sunday between 9.00

a.m. and 11.00 a.m. Applicant shall not enter village Chondi, Taluka Malegaon Dist. Nashik till the trial is concluded.

iii) Bail is granted subject to the condition that applicant shall not directly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/investigating agency. Applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter he will be free to apply to the appropriate court for appropriate relief.

vi) Application disposed of

vii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)